

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

i2 INC., a Delaware corporation; and i2
LIMITED, a British limited company
registered in England and Wales,

Plaintiffs,

v.

PALANTIR TECHNOLOGIES, INC., a
Delaware corporation; SHYAM SANKAR, an
individual; DR. ASHER SINENSKY, an
individual; SRS ENTERPRISES, LLC, a
Florida limited liability company; and
NOCHUR SANKAR, an individual,

Defendants.

PALANTIR TECHNOLOGIES, INC., a
Delaware corporation,

Counter-Plaintiff,

v.

i2 INC., a Delaware corporation; and i2
LIMITED, a British limited company
registered in England and Wales,

Counter-Defendants.

Civil Action No. 1:10-cv-00885-LO-JFA

**DECLARATION OF JOHN E. TRINIDAD IN SUPPORT OF PALANTIR
TECHNOLOGIES, INC.'S MOTION TO COMPEL i2 INC. AND i2 LIMITED TO
PRODUCE DOCUMENTS, PROVIDE A FULL AND COMPLETE RESPONSE TO
INTERROGATORY 14, AND TO COMPLY WITH THE COURT'S OCTOBER 29, 2010
ORDER**

I, John E. Trinidad, declare as follows:

1. I am an attorney admitted to practice in the State of California and before this Court, and an associate in the law firm of Kecker & Van Nest LLP, counsel for Defendants Palantir Technologies, Inc., Shyam Sankar and Dr. Asher Sinensky in this action. I make this declaration in support of PALANTIR TECHNOLOGIES, INC.'S MOTION TO COMPEL i2 INC. AND i2 LIMITED TO PRODUCE DOCUMENTS, PROVIDE A FULL AND COMPLETE RESPONSE TO INTERROGATORY 14, AND TO COMPLY WITH THE COURT'S OCTOBER 29, 2010 ORDER. Unless otherwise noted, I have personal knowledge of the facts stated in this declaration and, if called upon to do so, could and would competently testify thereto if called as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the transcript of the Deposition of Tom O'Neil, which deposition took place on December 21, 2010, in San Francisco, CA.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript of 30(b)(6) Deposition of Anthony Carty, which deposition took place on November 11, 2010, in McLean, Virginia.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an email produced by i2 in this litigation from Chriss Knisley to John Gresty, Rosie Smith, Martin Nathan, Zoe Baxendale, Michelle Serano, Claudia Berth, Todd Drake, Paul Holroyd, and John Parker, dated January 12, 2009, and another subsequent email that was part of the same email string.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email produced by i2 in this litigation from Joanna Allanson to Dider Bench, dated June 4, 2009, and other emails that were part of the same email string.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a PowerPoint presentation produced by i2 in this litigation titled EIR Initiative.

7. Attached hereto as **Exhibit 6** is a true and correct copy of an email produced by i2 in this litigation from John Gresty to Philip Kautzman, dated February 9, 2009, and other emails

that were part of the same email string.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced by i2 in this litigation titled, Next Generation Product Suite- A big picture problem, dated March 31, 2008.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a document produced by i2 in this litigation titled, Next Generation Market Pressures, dated March 18, 2008.

10. Attached hereto as **Exhibit 9** is a true and correct copy of Defendant Palantir Technologies, Inc.'s Requests for Production to Plaintiffs i2, Inc. and i2 Limited, Set 1, dated August 30, 2010.

11. Attached hereto as **Exhibit 10** is a true and correct copy of is a true and correct copy of the hearing transcript from the October 29, 2010 hearing before Magistrate Judge John F. Anderson.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email produced by i2 in this litigation from Wojciech Wyzga to Kevin Males, Tony Mann, Paul Bentley-Smith and William Oliver, dated April 11, 2010, and other prior emails that were part of the same email string.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a letter from Einat Sandman-Clarke to John Trinidad, dated December 10, 2010.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a native PowerPoint presentation produced by i2 in this litigation, labeled Confidential-Litigation Counsel Eyes Only, dated January 14, 2010.

15. I have inspected Exhibit 13, and confirmed that the native file included animation that covered-up a diagram entitled "Palantir Intelligence Infrastructure."

16. Attached hereto as **Exhibit 14** is a true and correct copy of an email produced by i2 in this litigation from Joanne Allanson to Niall Thomas, Paul Holroyd, and Simon Bradley, dated September 15, 2008.

17. Attached hereto as **Exhibit 15** is a true and correct copy of an email produced by

i2 in this litigation from Jeff Penrose to Joanne Allanson and excerpts of the attachment, dated June 26, 2009.

18. Attached hereto as **Exhibit 16** is a true and correct copy of email produced by i2 in this litigation from Jeff Penrose to Joanne Allanson and John Gresty, dated June 26, 2009 .

19. Attached hereto as **Exhibit 17** is a true and correct copy of an email produced by i2 in this litigation from Joanne Allanson to John Gresty and Bill Donellan, dated June 26, 2009.

20. Attached hereto as **Exhibit 18** is a true and correct copy of an email produced by i2 in this litigation from John Trinidad to Christopher Sundermeier dated December 6, 2010.

21. Attached hereto as **Exhibit 19** is a true and correct copy of an email from Jennifer Brown to John Trinidad, dated December 7, 2010.

22. Attached hereto as **Exhibit 20** is a true and correct copy of an email from John Trinidad to Jennifer Brown, dated December 13, 2010.

23. Attached hereto as **Exhibit 21** is a true and correct copy of a letter from Jennifer A. Brown to John E. Trinidad, dated December 14, 2010.

24. Attached hereto as **Exhibit 22** is a true and correct copy of a letter from John E. Trinidad to Jennifer A. Brown , dated December 28, 2010.

25. Attached hereto as **Exhibit 23** is a true and correct copy of an email produced by i2 in this litigation from Anthony Carty to Tom O'Neil, dated July 19, 2010.

26. Attached hereto as **Exhibit 24** is a true and correct copy of Plaintiffs' Objections and Responses to Defendant Palantir Technologies, Inc.'s Third Set of Requests for Production dated December 17, 2010.

27. Attached hereto as **Exhibit 25** Plaintiffs' Objections and Responses to Defendant Palantir Technologies Inc.'s Second Set of Interrogatories dated December 6, 2010.

28. Attached hereto as **Exhibit 26** is a true and correct copy of an email produced by i2 in this litigation from Guillaume Tissot to Tom O'Neil, dated September 8, 2009.

29. Attached hereto as **Exhibit 27** is a true and correct copy of a letter from Jennifer A. Brown to John E. Trinidad, dated December 21, 2010.

30. Attached hereto as **Exhibit 28** is a true and correct copy of an email produced by i2 in this litigation from Harry McCue to Channel Dept, dated August 9, 2010.

31. Attached hereto as **Exhibit 29** is a true and correct copy of an email produced by i2 in this litigation from Barbara Holtz to Harry McCue, dated August 10, 2010.

32. Attached hereto as **Exhibit 30** is a true and correct copy of an email produced by i2 in this litigation from Harry McCue to Mariano Satriano, dated August 12, 2010.

33. Attached hereto as **Exhibit 31** is a true and correct copy of an email produced by i2 in this litigation from Mariano Satriano to Harry McCue, dated August 19, 2010.

34. Attached hereto as **Exhibit 32** is a true and correct copy of a letter from John E. Trinidad to Jennifer A. Brown, dated December 17, 2010.

35. Attached hereto as **Exhibit 33** is a true and correct copy of a letter from John E. Trinidad to Jennifer A. Brown, dated December 19, 2010.

36. Attached hereto as **Exhibit 34** is a true and correct copy of an email produced by i2 in this litigation from Chuck Izzo to Tab Burton, dated August 10, 2010.

37. Attached hereto as **Exhibit 35** is a true and correct copy of Second Set of Document Requests to Palantir Technologies, Inc. dated October 6, 2010.

38. Attached hereto as **Exhibit 36** is a true and correct copy of Exhibit 4 to of 30(b)(6) Deposition of Anthony Carty, which deposition took place on November 11, 2010, in McLean, Virginia.

39. Attached hereto as **Exhibit 37** is a true and correct copy of an email produced by i2 in this litigation from Joanne Allanson to John Gresty, dated June 25, 2009.

40. Attached hereto as **Exhibit 38** is a true and correct copy of an email produced by i2 in this litigation from Jeffrey Penrose to Joanne Allanson, dated October 7, 2008. is a true and correct copy of an email produced by i2 in this litigation from Joanne Allanson to John Gresty, dated June 25, 2009.

41. I conducted a review of i2's production to date in order to located audited financial statements produced by i2. The only such statements I was able to locate were

December 2008 and December 2009 for i2 Holdings Limited and statements dated December 2007 and June 2008 for i2 Software.

42. On December 22, 2010, I participated in a meet and confer teleconference with i2's counsel Jennifer Brown and Einat Sandman Clarke. During that conversation, I asked i2 to identify what Memex related documents they had produced in order to support i2's prior claim that it had produced "copious documents that respond to" Request No. 87. Counsel for i2 was only able to cite to two such documents.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 30, 2010.

By: _____

John E. Trinidad

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 30, 2010, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Robert R. Vieth, Esq.
COOLEY LLP
One Freedom Square | Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656
(703) 456-8000
Attorney for Plaintiffs i2 Inc. and i2 Limited

Anand Vijay Ramana, Esq.
McGuireWoods LLP (McLean)
1750 Tysons Blvd, Suite 1800
McLean, VA 22102-4215
(703) 712-5000
Email: aramana@mcguirewoods.com
Attorney for Nochur Sankar and SRS Enterprises, LLC

by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger from Nationwide Legal, Inc., with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

Christopher J. Sundermeier
Mark F. Lambert
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304-1130

Dated: December 30, 2010

WILMER CUTLER PICKERING HALE
AND DORR LLP

By: /s/ D. Bradford Hardin, Jr.

Carl Nichols, VSB No. 43065
D. Bradford Hardin, Jr., VSB No. 76812
Philip R. Seybold, VSB No. 73596
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663 6363
Email: Carl.Nichols@wilmerhale.com
Email: Bradford.Hardin@wilmerhale.com
Email: Randy.seybold@wilmerhale.com

**Attorneys for Defendants
PALANTIR TECHNOLOGIES, INC.,
SHYAM SANKAR, and DR. ASHER
SINENSKY and Counter-Plaintiff
PALANTIR TECHNOLOGIES, INC.**